

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Cunningham on October 13, 2009.

In the claims:

Claim 39 (Currently Amended): A method for producing lactic acid ~~in a medium containing lactic acid~~ comprising:
culturing the cell of claim 35, and recovering lactic acid.

Claim 40 (Currently Amended): A method for producing lactic acid ~~in a medium containing lactic acid~~ comprising:
culturing the cell of claim 38, and recovering lactic acid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELE K. JOIKE whose telephone number is (571)272-5915. The examiner can normally be reached on M-F, 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (571)272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1636

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/Michele K. Joike/
Examiner, Art Unit 1636

Michele K. Joike
Examiner
Art Unit 1636